

August 27, 2014

The Honorable Senator Tom Harkin  
731 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Harkin:

We are writing to offer our strong support for the IDEA Fairness Restoration Act. We appreciate your tireless work and commitment to helping restore the right of prevailing parents to recover their expert witness fees in due process and litigation under the Individuals with Disabilities Education Act (IDEA). This bill is important to protect parents, most of whom cannot afford to pay thousands of dollars for expert witnesses. For the 6 million students with disabilities, the right under IDEA to a hearing before an impartial, independent hearing officer must be affordable to be meaningful even -- when just a small percentage of families (.27%)<sup>i</sup> exercise this right.

In 1986, Congress adopted legislation that was intended to allow prevailing parents to recover their expert witness fees. But in 2006, the Supreme Court ignored Congress' intent and held that parents cannot recover these costs in *Arlington Central School District v. Murphy*. The IDEA Fairness Restoration Act will override the Supreme Court's decision and restore IDEA's original intent that allowed prevailing parents to recover expert fees just like prevailing plaintiffs in the Americans with Disabilities Act, Title VII, and other civil rights laws.

Few parents can afford the thousands of dollars needed to pay qualified medical, educational, and technical experts needed in IDEA due process. Almost 2/3 of children with disabilities live in families earning under \$50,000 a year. By contrast, school districts can pay their experts with taxpayer dollars or use staff already on their payroll. We know experts are critical in due process cases. With their greater resources, school districts have a distinct advantage over parents. This bill will restore balance to this important process.

Thank you again for your introduction of this important legislation. We support your introduction of the IDEA Fairness Restoration Act and stand ready to assist you in any way possible.

Sincerely,

A handwritten signature in black ink that reads "Terry R. Farmer".

Terry R. Farmer  
CEO  
ACCSES

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<sup>i</sup> IDEA data <http://tadnet.public.tadnet.org/pages/712>